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BEYER WEAVER LLP			HALL, ARTHUR O	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/708,168	Applicant(s) NGUYEN ET AL.	
	Examiner ARTHUR O. HALL	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Examiner acknowledges applicants amendment of claims 1, 23, 37, 54 and 63 in the Response dated 4/16/2008 as part of the Request for Continued Examination directed to the Final Office Action dated 1/16/2008. Claims 1-63 are pending in the application and subject to examination as part of this office action.

Examiner acknowledges that applicants arguments in the Response dated 4/16/2008 as part of the Request for Continued Examination directed to the rejection set forth 35 U.S.C. 103(a) in the Final Office Action dated 1/16/2008 are deemed moot in light of a new ground of rejection under 35 U.S.C. 103(a) as set forth below in view of applicants amendments and in view of applicants arguments.

Claim Rejections - 35 USC § 103

Examiner incorporates herein the grounds of rejection of the claims under 35 U.S.C. § 103(a) as described in the Final Office Action dated 1/16/2008 with respect to the unamended features. However, Examiner sets forth new grounds of rejection under 35 U.S.C. § 103(a) with respect to amended features as described below because each of the features of applicants claimed invention as amended continues to be unpatentable or obvious over the prior art.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 5, 7-14, 19-23, 25, 28-31, 36-37, 41-44, 49, 54-60 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent 7,285,048) in view of Veradej (US Patent Application Publication 2003/0092489). Features are described by figures with reference characters where necessary for clarity.

Regarding claims 23, 25 and 37, Karmarkar teaches

a remote gaming terminal player verification system adapted for accepting wagers and granting monetary awards at a mobile remote gaming terminal (column 5, line 48 to column 6, line 28, Karmarkar), comprises:

at least one computer server, said at least one computer server having a player verification program adapted to verify whether personal information / visual image regarding / of a specific player obtained at a mobile remote gaming terminal is adequate according to one or more acceptable criteria for verifying the identity or eligibility of a player, **or in other words**, verifying that said visual image is adequate according to at least one of said one or more acceptable criteria, wherein said one or more acceptable criteria includes an appropriate age of said player (column 8, lines 28-54, column 9, lines 22-25, column 14, lines 26-53 and Fig. 1, 34, 42, 50, 52, 54, Karmarkar; an accounting server is in electronic communication with a remote portable player station, which is located offsite from the casino, over the internet via an internet server connected to a communication hub and performs player authentication of biometric information that may be visual images of the player continuously or repeatedly monitored in periodic intervals from a video camera that is integrated in the remote portable player station so as to assess the age of the person as criteria for legally playing games on the remote portable player station);

one or more electronic gaming devices / an electronic device in communication with said at least one computer server, wherein at least one of said one or more electronic gaming devices / an electronic device is adapted to provide and control one or more gaming events, **or in other words**, to permit the at least one particular gaming

event to commence or continue (column 7, line 64 to column 8, line 19, column 9, lines 4-21 and Fig. 1, 34, 42, 46, 50, Karmarkar; a remote on-site player terminal is in electronic communication with the accounting server, which is located onsite at the casino, via the communication hub connected to the internet server and has a processor configured to control betting, payout and other gaming functions throughout game play); and

a first communication device in communication with said at least one computer server, wherein said first communication device is adapted to provide at least one of said one or more gaming events at said mobile remote gaming terminal via a first mode of communication (column 8, lines 28-54 and Fig. 1, 34, 42, 50, 52, 54, 122, Karmarkar; a remote player station or first communication device included in the remote portable player station is in electronic communication with the accounting server, which is located onsite at the casino, over the internet via the communication hub connected to the internet server and allows to player to play games once the identity and eligibility of the player has been authenticated by means of an internet TCP/IP connection or a first mode of communication).

However, Karmarkar does not appear to teach a second communication device that communicates with a server to provide visual images of the player during or prior to game play via either the first or a second mode of communication as claimed.

Therefore, attention is directed to Veradej, which teaches

a second communication device in communication with said at least one computer server, wherein said second communication device is adapted to obtain personal information / a visual image regarding / of a specific player at said mobile remote gaming terminal during or immediately prior to the play of a wager-based game at said mobile remote gaming terminal via a first mode of communication or a second mode of communication, said second mode of communication being separate from said first mode of communication, said visual image including at least the face or body of

said specific player (paragraphs 0024-0026 and 0046 and Fig. 1, 10, 20, 22, 26, Veradej; a wireless telephone or cellphone is configured to be interchangeable with or upgradeable from or integrable as part of a personal computer/laptop or remote portable player station and has a biometric measurement device/camera/web cam or second communication device that is in electronic communication with a gaming server, which is located at the gamesite, via cellular or wireless connection or second mode of communication through a website over the internet so as to continuously or repeatedly monitor the visual images of a prospective game players face in order to authenticate the person attempting to interactively play games online prior to initiating game play and during game play based on biometric attributes, and it would have been obvious at the time of invention to try an implementation in which the wireless telephone communicates with the gaming server via an internet TCP/IP connection or first mode of communication since it would have been an obvious design choice to utilize a wireless web connection or TCP/IP internet connection because both modes of communication would have worked equally as well over the internet).

Veradej suggests that a system that provides interactive or online gaming from a remote location and verifies the age of a player during and prior to game play will enable game players to play more frequently by reducing travel to a casino while ensuring that legal age restrictions for gambling are upheld (paragraphs 0003-0004, Veradej).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Karmarkar in view of the teachings of Veradej for the purpose of providing the gaming device of Karmarkar having an authentication server, gaming terminal, remote portable player station including remote player station in communication via a TCP/IP internet connection that are

interchangeable with or upgradeable to the wireless telephone including a biometric measurement device in communication with a gaming server over a cellular or wireless connection via an internet website as disclosed by Veradej in order to solve the same problem as applicants by enabling more frequent game playing online while managing the legal age restrictions for gambling through a system that verifies age so as to allow online interactive gaming.

Regarding claims 1, 7, 54 and 63, the scope of the claims for the method of operating the system would be inherent with respect to claims 23 and 37 above in view of the structure disclosed by Karmarkar and Veradej since the method is the normal and logical manner by which the system could be employed.

Regarding claim 5, associating said request with a particular player account is disclosed (paragraph 0027, Veradej).

Regarding claims 8 and 55, the subsequently repeated steps are continuously performed (paragraph 0046, Veradej; a prospective players visual image is continuously monitored via web cam).

Regarding claims 9 and 56, the subsequently repeated steps are performed at regular periodic intervals (paragraph 0046, Veradej; it would have been obvious at the time of invention to try an implementation in which a prospective players visual image is periodically monitored in intervals via web cam since Karmarkar discloses continuous monitoring of the biometric information of a player in periodic intervals and because one having ordinary skill in the art would have known to segment a continuous or random signal into periodic intervals in order to monitor visual image data of player by starting

and stopping collection of the video signal in intervals).

Regarding claims 10 and 57, the subsequently repeated steps are performed at random intervals (paragraph 0046, Veradej; a prospective players visual image is randomly monitored via a camera or web cam).

Regarding claims 11, 30, 43 and 58, the personal information regarding said specific player comprises one or more visual images of the specific player (paragraph 0026, Veradej; biometric data is a visual image of a persons face).

Regarding claims 12 and 59, the at least one of said one or more visual images of the specific player is a digitized picture (paragraphs 0026 and 0046, Veradej; biometric data is a visual image of a person via a web cam that generates a digital picture of the person).

Regarding claims 13 and 60, the at least one of said one or more visual images of the specific player is a visual image created after said receiving step (paragraphs 0026 and 0046, Veradej; it would have been obvious at the time of invention to try an implementation in which a prospective players facial visual image is generated from the wireless telephone and biometric measurement device after the player has requested to participate in game play by initiating communication with the game server from the remote portable player station disclosed in Karmarkar since a request to initiate play would be a logical step to proceed with before verification or authentication of the player's facial image occurs prior to or during game play).

Regarding claim 14, the at least one of said one or more visual images of the specific player is a live visual image (paragraph 0046, Veradej; continuous monitoring via a web cam of a prospective player generates a live visual image of the prospective player).

Regarding claims 19, 20, 36, 49 and 62, the personal information regarding said specific player comprises one or more visual images of the specific player transmitted via said cellular telephone call and taken by a camera built into the cellular phone used for the cellular telephone call (paragraphs 0024-0026 and 0046, Veradej; visual images are transmitted via a wireless telephone connection between a game server and a player's wireless telephone including an integrated camera or web camera).

Regarding claim 21, Karmakar teaches subsequently repeated steps of:

verifying that said updated visual image of the specific player is adequate according to at least one of said one or more acceptable criteria (column 8, lines 28-54, column 9, lines 22-25, column 14, lines 26-53, Karmakar); and

permitting said at least one particular gaming event to continue (column 7, line 64 to column 8, line 19, column 9, lines 4-21, Karmakar).

However, Karmakar does not appear to teach updating visual images of the player via a cellular telephone as claimed. Therefore, attention is directed to Verdej, which teaches

obtaining an updated visual image of the specific player via a cellular telephone call (paragraphs 0024-0026 and 0046, Veradej);

Regarding claims 22, 31 and 44, the personal information regarding said specific player comprises one or more voice samples of the specific player (paragraph 0026, Veradej).

Regarding claims 28 and 41, the player verification program is adapted to verify multiple submissions of personal information regarding a specific player during the progress of or between one or more gaming events (paragraph 0046, Veradej).

Regarding claims 29 and 42, the player verification program is adapted to require continuous additional submissions of personal information regarding a specific player during the progress of or between one or more gaming events (paragraph 0046, Veradej).

Claims 2-4, 6, 15-18, 24, 26-27, 32-35, 38-40, 45-48, 50-53 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar in view of Veradej, and further in view of Steelberg et al. (US Patent Application Publication 2003/0139190; hereinafter Steelberg). Features are described by figures with reference characters where necessary for clarity.

Karmarkar alone or in combination with Veradej teaches features of the claimed invention as described above.

However, Karmarkar alone or in combination with Veradej does not appear to teach a player verification program that receives an authorization signal from a third party player authentication center as claimed. Therefore, attention is directed to Steelberg, which teaches

Regarding claims 24 and 38, the player verification program is adapted to receive an authorization signal from a third party player authentication center (paragraphs 0041 and 0059 and Fig. 2, 10 and 30, Steelberg; the regional broadcast station is a third party player authentication center since approval of the player's registration takes place via the broadcast station by the data source).

Steelberg suggests that a device that communicates with RF enabled devices spread over a relatively large area and that differentiates the physical location of RF devices will eliminate the problem of burdensome pre-selection of frequencies for widespread audiences and provide differentiation between authorized and unauthorized participation gaming for users in specific physical locations (paragraphs 0003-0008, Steelberg).

Thus, it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to modify Karmarkar in view of the teachings of Veradej, and further in view of the teachings of Steelberg for the purpose of exchanging the interchangeable or upgradeable server, remote player station and wireless telephone features disclosed by Karmarkar alone or in combination with Veradej with the player verification of authorization signals from a third party authentication center as disclosed by Steelberg in order to eliminate burdensome pre-selection of frequencies for widespread audiences and provide differentiation between authorized and unauthorized participation gaming for users in specific physical locations.

Regarding claims 2, 26 and 39, at least one of said one or more remote electronic gaming devices / terminals comprises a gaming machine having a master gaming controller (paragraph 0068, Steelberg; a remote gaming device, once activated, controls the real-time gaming event).

Regarding claims 27 and 40, the at least one computer server / electronic device is adapted to deny the initiation or continuation of a particular gaming event when said player verification program determines that any obtained personal information is inadequate (paragraph 0059, Steelberg; the network node allows the player to continue

Art Unit: 3714

with a gaming event only after approval or verification of player registration, otherwise continuation of the gaming event is inherently denied).

Regarding claims 15, 32, 45 and 61, the personal information regarding said specific player comprises a current geographic location of the specific player (paragraphs 0054-0055, 0061 and 0065-0067, Steelberg).

Regarding claims 16, 33 and 46, the current geographic location of the specific player is determined by a global positioning system (paragraphs 0054-0055 and 0065-0067, Steelberg).

Regarding claims 17, 34 and 47, the current geographic location of the specific player is determined by a cellular telephone network (paragraphs 0043-0044, Steelberg; broadcast radio signals are made via a cellular telephone network to determine or cover the regional geographic area in which the player's remote gaming device is located).

Regarding claims 18, 35 and 48, the second mode of communication comprises a cellular telephone call (paragraphs 0043-0044, Steelberg).

Regarding claim 50, at least one database contains specific personal information data with respect to a plurality of players (paragraph 0075, Steelberg; data is exported from the device reader memory being a database for storing the players data).

Regarding claim 51, the player verification program is adapted to compare personal information regarding a specific player obtained at said remote gaming terminal to specific personal information data corresponding to that specific player that is contained within said at least one database (paragraph 0075, Steelberg; player data stored on the device reader database memory is verified against data stored centrally at the data source from the remote gaming device).

Regarding claim 52, access to a gaming event is denied or restricted with respect to said specific player due to an implemented harm minimization measure (paragraph 0076, Steelberg; the harm of hacking and fraud is prevented based on game parameter verification).

Regarding claim 53, the system is adapted to provide one or more harm minimization measures at said remote gaming terminal (paragraph 0076, Steelberg; the harm of hacking and fraud is prevented upon verification of game play initiated from the remote gaming device by storing data at the data source with device reader memory data).

Regarding claim 3, the obtaining step occurs after said receiving step (paragraphs 0057, Steelberg; the player or consumer initiates a request so as to register and participate in a game via purchase of the remote gaming device before the player provides the device reader with player information).

Regarding claim 4, the obtaining step and said receiving step occur simultaneously (paragraphs 0057, Steelberg; initiation of registration and provision of the player information also occur at the device reader).

Regarding claim 6, determining whether said specific player is authorized to participate in said at least one particular gaming event is disclosed (paragraphs 0057-0058, Steelberg).

Response to Arguments

Applicants arguments filed in the Response dated 4/16/2008 as part of the Request for Continued Examination directed to the Examiners' rejection under 35 U.S.C. § 103(a) have been considered fully and are moot in light of a new ground of

rejection under 35 U.S.C. 103(a) as set forth above in view of applicants amendments and in view of applicants arguments thereof.

Examiner has provided the above new grounds of rejection of the claims under 35 U.S.C. 103(a) because each of the features of applicants claimed invention continues to be unpatentable or obvious over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

B US-6,332,193 B1, Glass et al.

C US-2003/0031321 A1, Mages

D US-2002/0160834 A1, Urie et al.

E US-5,280,527, Gullman et al.

F US-6,554,705 B1, Cumbers

G US-2002/0132663 A1, Cumbers

H US-2002/0047905 A1, Kinjo.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARTHUR O. HALL whose telephone number is (571)270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. O. H./
Examiner, Art Unit 3714

/Scott E. Jones/
Primary Examiner, Art Unit 3714